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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,638	03/22/2001	Harold Mattice	403450	6291

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05/05/2004

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EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 05/05/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/814,638

Applicant(s)

MATTICE ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-30 is/are allowed.
- 6) ☒ Claim(s) 1,13 and 31 is/are rejected.
- 7) ☒ Claim(s) 2-4,8-12,14-23 and 32-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on February 19, 2004 in which applicant amends claims 5, 6, 8, 10, and 13, amends the specification, and responds to the claim rejections. Claims 1-36 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 5 recites the limitation "...the data out terminal of a last local controller being connected to the data in terminal of the host controller" in lines 2 and 3. As claimed, at least two local controllers, a first and last, would be directly connected to the host controller. The claim language of claim 1 would preclude this from occurring.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 13, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Belliveau (U.S. 6,331,756).

Belliveau discloses a method and apparatus for a digital controller connected to a communication system for controlling multi-parameter lighting systems. Belliveau discloses:

Regarding Claims 1, 13, and 31:

- a plurality of devices (light fixtures) to be individually accessed (Figure 6 and Column 9, lines 12-55);
- a host controller (510) having a data out terminal a power terminal and a common terminal (Figure 6 and Column 9, lines 12-55);

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- a plurality of local controller (520, 522, 524, 526) each having a data in terminal, a data out terminal, a common terminal, and plural device terminals (Figure 6 and Column 9, lines 12-55); and
- controllers being interconnected in a string such that only one local controller is directly connected to the host controller with the data out terminal of the host controller being connected to the data in terminal of a first local controller and the data in terminal of each of the other local controllers being connected to the data out terminal of the preceding local controller in the string (Figure 6 and Column 9, lines 12-55);
- each local controller having its device terminals respectively connected to individual ones of the devices (Figure 6 and Column 9, lines 12-55);
- a power line interconnecting the power terminals of the host controller and all of the local controllers (Figure 6 and Column 9, lines 12-55); and
- a common line interconnecting the common terminals of the host controller and all of the local controllers (Figure 6 and Column 9, lines 12-55).

Allowable Subject Matter

7. Claims 24-30 seem to be allowable over the prior art of record.
8. Claims 2-4, 8-12, 14-23, and 32-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments, see pages 2, 3, and 11, filed February 19, 2004, with respect to the objection to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn.
10. Applicant's arguments, see pages 2, 3, and 11, filed February 19, 2004, with respect to the objection to the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.
11. Applicant's arguments, see pages 5 and 11, filed February 19, 2004, with respect to the objection to the claims have been fully considered and are persuasive. The objection of the claims has been withdrawn.
12. Applicant's arguments filed February 19, 2004 have been fully considered but they are not persuasive with regards to the rejection to claim 5 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

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particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although Applicant addressed the lack of antecedent basis deficiency with the claim, the response does not address the limitation "...the data out terminal of a last local controller being connected to the data in terminal of the host controller" as recited in lines 2 and 3. As claimed, at least two local controllers, a first and last, would be directly connected to the host controller. The claim language of claim 1 would preclude this from occurring.

13. Applicant's arguments, see page 11, filed February 19, 2004, with respect to the rejection to claims 1-36 under 35 U.S.C. 103(a) as being unpatentable over Wells (U.S. Patent Application Publication U.S. 2002/0115487 A1) have been fully considered and are persuasive. The rejection to claims 1-36 under 35 U.S.C. 103(a) as being unpatentable over Wells (U.S. Patent Application Publication U.S. 2002/0115487 A1) has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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